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**HOUSE BILL NO. 962**

Offered January 13, 2016

Prefiled January 12, 2016

A *BILL to amend and reenact § 54.1-2963.2 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 10.1-202.3, and to repeal the second enactment of Chapter 215 of the Acts of Assembly of 2013, relating to Lyme disease testing disclosure; sunset repeal; Lyme Disease Educational Signage Fund; civil penalty.*

Patrons—LaRock, Marshall, R.G. and Minchew

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That § 54.1-2963.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-202.3 as follows:**

**§ 10.1-202.3. Lyme Disease Educational Signage Fund.**

*There is hereby created in the state treasury a special nonreverting fund to be known as the Lyme Disease Educational Signage Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All civil penalties assessed pursuant to § 54.1-2963.2 and any funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing Lyme disease educational signage for placement in Virginia State Parks. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.*

**§ 54.1-2963.2. (Expires July 1, 2018) Lyme disease testing information disclosure.**

A. Every licensee or his in-office designee who orders a laboratory test for the presence of Lyme disease shall provide to the patient or his legal representative the following written information:

"ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION, AS OF 2011 LYME DISEASE IS THE SIXTH FASTEST GROWING DISEASE IN THE UNITED STATES.

YOUR HEALTH CARE PROVIDER HAS ORDERED A LABORATORY TEST FOR THE PRESENCE OF LYME DISEASE FOR YOU. CURRENT LABORATORY TESTING FOR LYME DISEASE CAN BE PROBLEMATIC AND STANDARD LABORATORY TESTS OFTEN RESULT IN FALSE NEGATIVE AND FALSE POSITIVE RESULTS, AND IF DONE TOO EARLY, YOU MAY NOT HAVE PRODUCED ENOUGH ANTIBODIES TO BE CONSIDERED POSITIVE BECAUSE YOUR IMMUNE RESPONSE REQUIRES TIME TO DEVELOP ANTIBODIES. IF YOU ARE TESTED FOR LYME DISEASE, AND THE RESULTS ARE NEGATIVE, THIS DOES NOT NECESSARILY MEAN YOU DO NOT HAVE LYME DISEASE. IF YOU CONTINUE TO EXPERIENCE SYMPTOMS, YOU SHOULD CONTACT YOUR HEALTH CARE PROVIDER AND INQUIRE ABOUT THE APPROPRIATENESS OF RETESTING OR ADDITIONAL TREATMENT."

B. Licensees shall be immune from civil liability for the provision of the written information required by this section absent gross negligence or willful misconduct.

C. A licensee who violates the provisions of this section shall be issued a written reprimand from the Board. A licensee is subject to a civil penalty of \$500 for a second violation and a civil penalty of \$1,000 for each subsequent violation. Such penalty shall be collected by the Board, and the proceeds shall be deposited into the Lyme Disease Educational Signage Fund.

**2. That the second enactment of Chapter 215 of the Acts of Assembly of 2013 is repealed.**

INTRODUCED

HB962